
2004 Wis Eth Bd 05
LOCAL CODE

The Ethics Board advises:

A member of a county board who serves as a trustee of the county's nursing home facility, whose mother is a resident of the facility, should not use her position to obtain anything of substantial value or a substantial benefit for the official personally or for a member of the official's immediate family. Whether that will, or is likely to occur, is a question of fact that the Ethics Board cannot resolve. If a matter comes before the nursing home board that would have a financial effect on the supervisor or the supervisor's immediate family, then she should abstain from participation in the matter. If her need to recuse herself becomes so frequent as to impede her ability to contribute to the nursing home board, then the better alternative is that another individual take her place.

Facts

¶1 You seek the Ethics Board's advice on behalf of a County. A member of the County Board has been named to serve as a trustee of the county's nursing home facility. The county supervisor's mother is a resident of the facility. The mother's care is paid for from federal monies with an additional \$350 per month paid by the supervisor and her family. You have opined that §19.59, *Wisconsin Statutes*, does not prohibit the supervisor from serving as a trustee under the circumstances you have outlined.

Advice

¶2 The Ethics Board concurs in your analysis. You are correct that §19.59, *Wisconsin Statutes*, prohibits a local public official to use his or her position to obtain anything of substantial value or as substantial benefit for the official personally or for a member of the official's immediate family.* Whether that will, or is likely to occur, is a question of fact that the Ethics Board cannot resolve. You have said that you do not perceive a financial gain for the supervisor or her family from the supervisor's service on the nursing home's board. We have no basis for doubting that perception or predicting what will occur. If a matter comes before the nursing home board that would have a financial effect on the supervisor or the supervisor's immediate family,

* Section 19.42 (7), *Wisconsin Statutes*, provides:

19.42 (7) "Immediate family" means:

- (a) An individual's spouse; and
- (b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

then she should abstain from participation in the matter. If her need to recuse herself becomes so frequent as to impede her ability to contribute to the nursing home board, then the better alternative is that another individual take her place.

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